

FILED
2008 FEB 11 AM 10:43
KAREN P. HEWITT
United States Attorney
DAVID M. McNEES
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Federal Office Building DISTRICT COURT
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Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 CV 0253 W AJB

UNITED STATES OF AMERICA,)	Civil No.
)	
Plaintiff,)	COMPLAINT FOR
)	FORFEITURE
v.)	
)	
\$5,230.00 IN U.S. CURRENCY,)	
)	
Defendant.)	

By way of complaint against the defendant, \$5,230.00 IN U.S. CURRENCY (hereinafter "defendant currency"), the United States of America alleges:

1. This Court has jurisdiction over this action by virtue of the provisions of Title 28, United States Code, Section 1355, and Title 21, United States Code, Section 881.

2. Venue is proper in this district pursuant to Title 28, United States Code, Section 1395, because the defendant property was found within this district.

3. On October 1, 2007, at approximately 9:00 p.m., officers of the San Diego Police Department (SDPD) observed a white BMW that did not have front license plates and had windows tinted too dark to see in. The officers followed the vehicle and observed erratic driving; they proceeded to conduct a traffic stop on the vehicle.

Carl Chapman ("Chapman") was identified as the driver of the BMW. The SDPD officer noticed that Chapman was very nervous and his breathing was rapid and shallow. The officer learned that

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1 Chapman had previously been arrested on a possession charge. His passenger was on parole and had
2 an active Fourth Amendment waiver. Chapman later gave the officer permission to search his vehicle.

3 When Chapman was exiting the vehicle, officers observed a knife on his person and removed
4 it. After this happened, Chapman tensed up and twisted his body. One of the officers found \$41 in
5 Chapman's left front pants pocket. As the officer reached into the right pocket he immediately felt a
6 baggie filled with large square rocks that he believed to be narcotics. As he pulled the bag out, he could
7 see it appeared to be cocaine base, as he suspected. Chapman was arrested and placed in the rear of the
8 patrol car. While seating Chapman in the police cruiser, the officer stated that was a large amount of
9 cocaine he had just found. Chapman responded, "I know I'm busted. Can you just lock up my vehicle
10 for me? There is about \$600 worth of cocaine there, if I had to guess." The cocaine base was later
11 tested and found to have a net weight of 66 grams.

12 Another officer then began searching Chapman's vehicle incident to the arrest. The officer
13 located a black knapsack that contained a large amount of currency assorted into bindles according to
14 denomination. The currency was counted and determined to total \$5,230.00 in the following
15 denominations: two one-hundred dollar bills, one fifty-dollar bill, one hundred ninety-seven
16 twenty-dollar bills, thirty-six ten-dollar bills, one hundred thirty-one five-dollar bills, and twenty-five
17 one-dollar bills.

18 4. On and/or prior to October 1, 2007, the defendant currency was a thing of value furnished
19 or intended to be furnished in exchange for a controlled substance or listed chemical in violation of
20 Title 21 of the United States Code, Section 881.

21 5. Alternatively, on and/or prior to October 1, 2007 the defendant currency represented the
22 proceeds of or proceeds traceable to an exchange for a controlled substance or listed chemical in
23 violation of Title 21 of the United States Code, Section 881.

24 6. Because of the aforementioned acts or uses alleged herein, either singly or in
25 combination, the defendant currency is subject to forfeiture pursuant to Title 21, United States Code,
26 Section 881(a)(6).

27 7. The defendant currency is presently stored within the jurisdiction of this Court.

28 //

1 WHEREFORE, the United States prays that due process issue to enforce the forfeiture of the
2 defendant, and that due notice be given to all interested parties to appear and show cause why said
3 forfeiture should not be declared.

4 DATED: 2-8-08

5 KAREN P. HEWITT
6 United States Attorney

7 *David M. McNeas*

8 DAVID M. McNEES
9 Special Assistant U.S. Attorney
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VERIFICATION

I, James Hawksley, hereby state and declare as follows:

1. I am a Special Agent with the United States Drug Enforcement Agency
2. I have read the foregoing complaint and know its contents.
3. The information in the complaint was furnished by official Government sources. Based on this information, I believe the allegations in the complaint to be true.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge and belief.

Executed on 02/11/08.


JAMES HAWKSLEY, Task force Officer
Drug Enforcement Agency

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

FILED DEFENDANTS

UNITED STATES OF AMERICA 2008 FEB 11 AM 10:43 \$5,230.00 IN U.S. CURRENCY

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

CLERK U.S. DISTRICT COURT
San Diego District Court
(IN U.S. PLAINTIFF CASES ONLY)

BY

NOTE: IN DEEDS, CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

SAUSA DAVID M. McNEES
880 FRONT STREET, ROOM 6293
SAN DIEGO, CA 92101-8893
(619) 557-5979

ATTORNEYS (IF KNOWN)

'08 CV 0253 W AJB

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PT | DEF | | PT | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

TITLE 21, UNITED STATES CODE, SECTION 881(a)(6)

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product <input type="checkbox"/> 320 Assault, Libel & Liability <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Liability <input type="checkbox"/> 360 Other Personal	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWN (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Exchange <input type="checkbox"/> 875 Customer Challenge <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic <input type="checkbox"/> 893 Environmental <input type="checkbox"/> 894 Energy Allocation <input type="checkbox"/> 895 Freedom of <input type="checkbox"/> 900 Appeal of Fee Under Equal Access to <input type="checkbox"/> 950 Constitutionality of <input type="checkbox"/> 890 Other Statutory
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product <input type="checkbox"/> 290 All Other Real	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prisoner Conditions			

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
- ☐ 2 Removal from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See JUDGE)

Docket Number

FEB 8 2008

SIGNATURE OF ATTORNEY OF RECORD

DAVID M. McNEES, SAUSA